

Most Frequently Asked Questions
Asbestos Management Plans for Schools and State Buildings

Please note that the Louisiana asbestos regulations can be found in the Louisiana Air Quality Regulations, LAC 33:III.Subchapter M. Section 5151 and LAC 33:III.Chapter 27 on the Environmental Regulatory Code web page at: <http://www.deq.louisiana.gov/portal/tabid/1674/Default.aspx>

1. **Question:** I was given your name by the State Leasing as my office is in the process of moving to another building. I am with the state government. We have recd approval to move forward on a building in Monroe but I do not know all of the requirements for this move. I have been told that since the building we are seeking to lease was built prior to 1980, then landlord has to produce his plan to deal with asbestos. The landlord does not know what I am talking about, so I need to see what form/inspection we need to complete in order to facilitate this move.

What do I need to proceed with this possible move? Please forward/attach any forms I need to have completed to expedite this action. Your attention is greatly appreciated.

Response: Basically, the exclusion from requiring an asbestos management plan for state buildings according to the regulations are below.

LAC 33:III.2701.B.2-3:

2. State buildings built after 1978 are exempt from the requirements of this Chapter unless there is the possibility of the presence of asbestos or the building is used for education of grades kindergarten through post-graduate.
3. State buildings built prior to 1979 are exempt from the requirements of this Chapter provided that:
- a. the building is not used for education of grades kindergarten through post-graduate;
 - b. an inspection conducted in accordance with LAC 33:III.2707.A reveals that no asbestos is contained in the building:
 - i. a copy of the inspection report must be submitted to the Office of Environmental Services within 90 days of the inspection; and
 - ii. a copy must be maintained at the building administrative office; and
 - c. no asbestos-containing material is added in renovations.

LAC 33:III.2735.A.7:

An architect or project engineer responsible for the construction of the building, or an accredited inspector signs a statement that no ACBM was specified as a building material in any construction document for the building or, to the best of his or her knowledge, no ACBM was used as a building material in the building. The state

government shall submit a copy of the signed statement of the architect, project engineer, or accredited inspector to the Office of Environmental Services and shall include the statement in the management plan for that school or state building.

LAC 33:III.2735.C:

C. If ACBM is subsequently found in a homogeneous or sampling area of a local education agency or the state government that had been identified as receiving an exclusion by an accredited inspector under Paragraph A.3, 4, or 5 of this Section, or an architect, project engineer, or accredited inspector under Paragraph A.7 of this Section, the local education agency or the state government shall have 180 days following the date of identification of ACBM to comply with this Chapter.

2. **Question:** How and Who Shall Submit the letter and request for exemption to the state?

Response: A Letter addressing the following shall be submitted to the Division of Administration, Facility Planning Office, who will submit information specific building and lease information to LDEQ:

Sharon Reed, DOA, Facility Planning
Real Estate Leasing, Claiborne Bldg
1201 N. 3rd St, Ste 7-160
Baton Rouge, LA

3. **Question:** In reading the LAC 33:III.2701.B.2-3, I'm not clear if this is referring to buildings that were built by the State of La or is it simply referring to any building that the State leases that were built after 1978. I'm getting the impression from Leasing that I need an inspection of the building I want to lease to ensure it doesn't have any asbestos. Then, if it does have asbestos, does the landlord have a plan to control the asbestos.

If an inspection is called for, who would I get to conduct the inspection of the building. Then, does that inspector have to submit a statement or form to State Leasing Office that the building is free of asbestos? Would the inspector be from the Monroe area or from Baton Rouge?



Response:

A "State building" refers to any building that the state owns, leases, or uses.

If the building was constructed after 1978, and a letter cannot be produced by the engineer, architect, or owner of the building indicating that there is no possibility of the presence of asbestos, an inspection by an accredited asbestos inspector must be performed. The samples must be analyzed by a laboratory that is certified by the Louisiana Environmental Laboratory Accreditation Program. If the inspection report reveals that no asbestos is present, submit a copy of the inspection report to

the Division of Administration and they will submit a copy to us with a cover letter regarding agency, location, and lease information.

If the inspection report reveals that asbestos is present, an asbestos management plan must be developed by an accredited asbestos management planner and maintained on site in the administrative office for anyone to view. The management plan must be on the most current AAC-8 form, located on the Asbestos web page at: <http://www.deq.louisiana.gov/portal/tabid/2883/Default.aspx>

- AAC-8: Required Elements for Asbestos Management Plan   (Rev 9/17/2009) See important information regarding the new AAC-8 Forms below!

A management plan requires that every 6 months, periodic surveillance is performed by a designated person who is trained to maintain and update the management plan as necessary, including all inspections, renovations, etc. In addition, any maintenance and custodial staff must be trained: 2 hrs for maintenance and custodial staff working in the building whether or not they work with asbestos containing materials and an additional 14 hrs if they conduct any activities that will result in the disturbance of 3 square or linear feet of ACBM or less.

If any activities are conducted that will result in the disturbance of more than 3 square or linear feet of ACBM, an Asbestos Project Designer is required to design the project, and a licensed asbestos contractor must perform the work.

You may hire any accredited personnel you wish. A list of accredited agents can be found on the asbestos web page as well:

Louisiana Asbestos Accreditation Lists by Discipline

- Asbestos Workers   (Revised 9/4/2009)
- Asbestos Contractor/Supervisors   (Revised 9/4/2009)
- Asbestos Inspectors   (Revised 9/4/2009)
- Asbestos Management Planners   (Revised 9/4/2009)
- Asbestos Project Designers   (Revised 9/4/2009)

4. Question: Our clientele are families with children aged birth to age 6. So, we are actually under the age limit in Section 3. A. but it would seem that our age range would require the inspection.

Response: Even if your clientele are ages 6 and under, if this is not a school, then you fall under “state building”.

School—any profit or nonprofit; public or private; day, night, or residential school that provides elementary, secondary, college, or post-graduate education as determined under state law, or any school of any agency of the United States.

5. **Question: How do we eliminate a facility from the inspection rotation (periodic surveillance and re-inspection)? It has no ACM as per sampling and inspection or has been previously identified ACM Abated.**

Response: If the building does not contain ACM, is not assumed to contain ACM (meaning that a thorough inspection was conducted and no asbestos is present), periodic surveillance is not required.

Additional Information: If an inspection was conducted before December 14, 1987, See LAC 33:III.2735.A.1-6.

Please note the following regulations and clarifications:

LAC 33:III.2735. Exclusions

- A. “A local education agency or the state government shall not be required to perform an inspection under LAC 33:III.2707.A in any sampling area as defined in LAC 33:III.2703 or homogeneous area of a school or state building where the following conditions exist.”
- B. “The exclusion, under Paragraphs A.1-4 of this Section, from conducting the inspection under LAC 33:III.2707.A shall apply only to homogeneous or sampling areas of a school building that were inspected and sampled before October 17, 1987. The local education agency or the state government shall conduct an inspection under LAC 33:III.2707.A of all areas inspected before October 17, 1987, that were not sampled or were not assumed to be ACM.”
- C. “If ACBM is subsequently found in a homogeneous or sampling area of a local education agency or the state government that had been identified as receiving an exclusion by an accredited inspector under Paragraph A.3, 4, or 5 of this Section, or an architect, project engineer, or accredited inspector under Paragraph A.7 of this Section, the local education agency or the state government shall have 180 days following the date of identification of ACBM to comply with this Chapter.”

New School built after December 12, 1988:

LAC 33:III.2735.A.7. Exclusions: An architect or project engineer responsible for the construction of a **new school building built after October 12, 1988**, or an accredited inspector signs a statement that no ACBM was specified as a building material in any construction document for the building or, to the best of his or her knowledge, no ACBM was used as a building material in the building. The local education agency or the state government shall submit a copy of the signed statement of the architect, project engineer,

or accredited inspector to the Office of Environmental Services and shall include the statement in the management plan for that school or state building.

LAC 33:III.2707.B. Re-inspection:

LAC 33:III.2707.B.1. “At least once every three years after a management plan is in effect, each local education agency shall conduct a re-inspection **of all friable and non-friable known or assumed ACBM in each building** that they lease, own, or otherwise use.”

6. **Response:** If the school or state building has been abated, and a re-inspection has confirmed that there is **no friable and non-friable known or assumed ACBM in each building, a re-inspection is no longer required.** Note in the management plan all of the information contained in the re-inspection, including the inspection report, sampling and analysis report, inspector’s name, address, contact information, including telephone number and email address, etc. The Management Plan must be at the building administrative office with all of the information, including thorough inspection report so that an LDEQ inspector or the public, etc. may review the document.

LAC 33:III.2707. Inspections and Reinspections:

Note: Schools and state owned, leased or otherwise used buildings are required to perform a six month periodic surveillance.

Three year re-inspections are required **only** for schools.

LAC 33:III.2723.B. Periodic Surveillance:

“At least once every six months after a management plan is in effect, each local education agency or the state government shall conduct periodic surveillance in each building that it leases, owns, or otherwise uses as a school or state building **that contains ACBM or is assumed to contain ACBM.**”

7. **Question:** What is required for an owner to provide a new owner (non-school owner) of a facility that contains ACM? Should they provide them with a copy of the current Management Plan?

Response: Yes. If the school remains a school, or state building, the new owner needs to submit a letter to LDEQ notifying us of the change. In addition, they should verify that the management plan is current. A designated person needs to be assigned to perform the periodic surveillance. If the designated person determines that the management plan is not current, the school should hire an inspector / management planner to correct it.

If the new owner is not a school, or state owned or leased building, the new owner needs to submit a letter to LDEQ notifying us of the change. The management plan should be archived. A copy of the entire management plan may be submitted to LDEQ to file in EDMS.

8. **Question:** If a worker is trained in 16 hours of Operations and Maintenance Training, what is required to keep up with the training? Are they required to have annual training?

Response: No. Regarding [LAC 33:III.2719](#).Operations and Maintenance, this is a one-time training. The school is required to maintain the records as part of the management plan.

9. **Question:** If a worker has received two hours of Awareness Training, are they required to receive annual training?

Response: No. This is a one-time training. The school is required to maintain the records as part of the management plan.

10. **Question:** What does the owner do with ACM floor tiles that have come loose and are non-friable? We have recommended that they collect, note locations, date, bag properly, and store at a common place. Disposal will occur when an abatement project is conducted and have this material added to the disposal manifest. What kind of record keeping should be done in the management plan?

Response: Implement the school's O&M plan in accordance with [LAC 33:III.2719.D](#), and ensure that the staff is trained in accordance with [LAC 33:III.2721](#).

The tiles may be disposed in the manner you stated above, however, the bags should be properly labeled & stored in a secure location, where the public does not have access .

LAC 33:III.2725.A: “For each homogeneous area where all ACBM has been removed, the local education agency or the state government shall ensure that such records are retained for three years after the next re-inspection required under [LAC 33:III.2707.B.1](#), or for an equivalent period.”

LAC 33:III.2725.B.1-2: “For each preventive measure and response action taken for friable and non-friable ACBM and friable and non-friable suspected ACBM assumed to be ACM, the local education agency or the state government shall provide...” ([Review 2725.B.1-2.](#))

See [LAC 33:III.2725.C-I Recordkeeping](#), for further information.

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